

**FILED**

OA 91 Criminal Complaint

**United States District Court**

MAY X 2 2008

NORTHERN

DISTRICT OF

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAUNITED STATES OF AMERICA  
V.

CRIMINAL COMPLAINT

MAURICE JEROME ST. JAMES, JR.  
aka "Maurice James"Case Number: **3 08 70264****EMC**

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state that the following is true and correct to the best of my knowledge and belief. On or about April 20, 2008 in San Mateo County County, in the Northern District of California defendant(s) did,

(Track Statutory Language of Offense)

knowingly and intentionally possess with intent to distribute a Schedule II controlled substance, namely, approximately 78.9 grams of a mixture and substance containing a detectable amount of cocaine base in the form of crack cocaine.

in violation of Title 21 United States Code, Section(s) 841(a)(1), (b)(1)(A)(iii)

I further state that I am a(n) FBI Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT OF FBI SA MATTHEW S. BEAUPAIN

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Approved

As To

Form:

AUSA

JCM JAMES C. MAW FOR AUSA GARTH HIRE

MATTHEW S. BEAUPAIN

Name/Signature of Complainant

Sworn to before me and subscribed in my presence,

May 2, 2008

Date

San Francisco, California

City and State

HON. EDWARD M. CHEN, U.S. MAG.

Name &amp; Title of Judicial Officer

Signature of Judicial Officer

1 NORTHERN DISTRICT OF CALIFORNIA )  
2 ) ss:  
3 COUNTY OF SAN FRANCISCO )  
4

5 **AFFIDAVIT**

6 I, Matthew S. Beaupain, Special Agent of the Federal Bureau of Investigation, being duly  
7 sworn, hereby declare as follows:

8 **I. INTRODUCTION**

9 1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have  
10 been so employed since 2005. For approximately the past two years, I have been assigned to the  
11 San Francisco Office of the FBI, and have investigated cases involving violent gangs, drug  
12 trafficking activity and violent fugitives. During this time, I have participated in numerous local  
13 and federal search warrants and arrests involving alleged narcotics trafficking. I have received  
14 training at the FBI Academy in Quantico, Virginia, including training on Violent Street Gangs,  
15 Criminal Case Management, Informant Development, Title III Investigations and the  
16 identification, use, packaging and sales of controlled substances.

17 2. Through my training and experience, I have become familiar with the manner in  
18 which narcotics traffickers smuggle, package, transport, store and distribute narcotics, as well as  
19 how they collect and launder drug proceeds. I am also familiar with the manner in which  
20 narcotics traffickers use telephones, cellular telephone technology, pagers, coded  
21 communications and slang-filled conversations, false and fictitious identities, and other means to  
22 facilitate their illegal activities and to thwart law enforcement investigations. I have had  
23 discussions with other law enforcement personnel about the packaging and preparation of  
24 narcotics, the methods of illegal narcotics trade, and the security measures that narcotics  
25 traffickers often employ. I have also examined documentation of various methods by which  
26 methamphetamine, cocaine, marijuana, and other illicit drugs are smuggled, transported and  
27 distributed. I have participated in surveillance of narcotics traffickers. During surveillance, I  
28 have personally observed counter-surveillance techniques and the ways in which narcotics  
traffickers conduct clandestine meetings. I have also participated in investigations that involved

1 the interception of wire communications, and I have been directly involved in the review and  
2 deciphering of intercepted coded conversations between narcotics traffickers that were later  
3 corroborated by surveillance or some other investigative technique. As a federal agent, I am  
4 authorized to investigate violations of the laws of the United States and am a law enforcement  
5 officer with authority to execute warrants issued under the authority of the United States.

6 3. This affidavit is being submitted in support of a criminal complaint charging  
7 MAURICE JEROME ST. JAMES, JR., also known as "Maurice James" (ST. JAMES), with  
8 possession with intent to distribute a Schedule II controlled substance, namely cocaine base in  
9 the form of crack cocaine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(iii).

10 4. The statements contained in this affidavit are based on information provided to  
11 me by law enforcement officers as well as my training, experience, and knowledge of this  
12 investigation. Because this affidavit is being submitted for the limited purpose of supporting the  
13 issuance of a criminal complaint, I have not included each and every fact known to me  
14 concerning this investigation. I have set forth only those facts that I believe are necessary to  
15 establish probable cause to support the complaint.

16 **II. PROBABLE CAUSE**

17 5. I have reviewed a felony report prepared by Officer Aaron Dixon of the Menlo  
18 Park Police Department (MPPD) regarding the arrest of ST. JAMES on April 20, 2008. The  
19 report contains the information described below.

20 6. On April 20, 2008, at approximately 11:35 p.m., Officer Dixon was on patrol and  
21 parked facing east on the southwest corner of the intersection of Willow Road and Newbridge  
22 Street in Menlo Park, California. Officer Dixon observed a red Chrysler traveling north on  
23 Newbridge Street at approximately 40 miles per hour. The vehicle accelerated as it approached  
24 the yellow-lighted intersection. The yellow left turn arrow turned red and approximately one  
25 second later the vehicle crossed the limit line and turned west onto Willow Road in violation of  
26 California Vehicle Code Section 21453(C).

1           7.       Officer Dixon activated his emergency lighting equipment and caught up to the  
2 vehicle as it ascended the U.S. 101 overpass on Willow Road. The vehicle yielded near the crest  
3 of the overpass. Officer Dixon exited his vehicle and contacted the driver, ST. JAMES, who was  
4 the sole occupant of the vehicle. Officer Dixon asked ST. JAMES if he knew the reason he had  
5 stopped him. ST. JAMES said, "cuz I barely went through that light." Officer Dixon asked ST.  
6 JAMES if he had any identification on him. ST. JAMES provided Officer Dixon with a valid  
7 California Driver's License in the name of Maurice James with a date of birth of August 21,  
8 1972.

9           8.       As Officer Dixon spoke with ST. JAMES he observed the odor of marijuana and  
10 alcohol emanating from the vehicle's interior. Officer Dixon noticed that the odor of alcohol was  
11 coming from ST. JAMES' breath and asked him if he consumed any alcoholic beverages. ST.  
12 JAMES responded that he drank three alcoholic energy drinks throughout the day. Officer Dixon  
13 asked ST. JAMES to follow the tip of Officer Dixon's finger with his eyes without moving his  
14 head. ST. JAMES complied but Officer Dixon noticed a distinct lack of smooth pursuit and  
15 horizontal gaze nystagmus with an onset prior to forty-five degrees. Officer Dixon asked ST.  
16 JAMES if he still felt the effects of the alcohol and ST. JAMES replied, "not really." At that  
17 time, MPPD Officers Ferguson and Del Mundo arrived to assist Officer Dixon.

18           9.       Officer Dixon asked ST. JAMES to exit the vehicle so that Officer Dixon could  
19 perform some tests to ensure that ST. JAMES was capable of safely operating his vehicle. ST.  
20 JAMES complied and walked to the north sidewalk of Willow Road. As Officer Dixon and ST.  
21 JAMES walked to the sidewalk Officer Dixon observed the odor of marijuana coming from ST.  
22 JAMES' person. Officer Dixon then asked ST. JAMES if he had anything illegal on his person.  
23 ST. JAMES said that he did not. Officer Dixon asked if he could check and ST. JAMES replied  
24 "yeah" while raising his arms above his head. Officer Dixon asked ST. JAMES to face away  
25 from him and put his hands in the small of his back and ST. JAMES complied.

26           10.      Officer Dixon grasped ST. JAMES' fingers and then reached into ST. JAMES'  
27 front right pants pocket and felt a plastic twist containing several hard pebble-like objects. Based  
28 on his training and experience, Officer Dixon immediately recognized the object as being



1 consistent with packaged cocaine base. Officer Dixon then removed his hand and withdrew his  
2 handcuffs from their holder and told ST. JAMES, "You're not under arrest. You are simply  
3 being detained." At that time, ST. JAMES pulled his hands free from Officer Dixon and began  
4 to run east along the sidewalk.

5 11. Officer Ferguson grabbed onto ST. JAMES, causing him to stumble. ST. JAMES  
6 escaped Officer Ferguson's grip and ST. JAMES began to regain his balance. Officer Dixon  
7 brought ST. JAMES to the ground by wrapping his arms around ST. JAMES' waist and directing  
8 his body weight downward. ST. JAMES fell on his stomach with Officer Dixon straddling his  
9 lower back. Officer Del Mundo attempted to restrain ST. JAMES left arm and Officer Ferguson  
10 attempted to restrain his feet. Despite their physical attempts to restrain ST. JAMES and  
11 repeated verbal commands for ST. JAMES to stop resisting, ST. JAMES continued to struggle.  
12 ST. JAMES attempted to get to his hands and knees several times and continued to resist arrest.  
13 Eventually, the officers were able to detain ST. JAMES in handcuffs.

14 12. Officer Dixon recovered the twist from ST. JAMES' front right pants pocket and  
15 observed that it contained several small individually packaged pieces of an off white rock like  
16 substance. Based on his training and experience, Officer Dixon believed the substance to be  
17 cocaine base. A further search of ST. JAMES' person revealed a brown paper bag secreted in the  
18 left leg of the sweat pants ST. JAMES was wearing under his jeans. The bag contained eleven  
19 clear plastic twists containing an off white rock like substance which Officer Dixon, again based  
20 on his training and experience, believed to be cocaine base.

21 13. Based on his training and experience Officer Dixon believed that the cocaine base  
22 possessed by ST. JAMES was for distribution and not for personal use. Officer Dixon based this  
23 conclusion on the fact that the quantity of cocaine base was in excess of that for personal use, the  
24 cocaine base inside the twist was broken up into several small individually wrapped rocks  
25 (consistent with packaging for sale), and the twists inside the paper bag contained medium to  
26 large pieces. Based on my training and experience, I share Officer Dixon's belief that the crack  
27 cocaine possessed by ST. JAMES was for distribution. In particular, the amount possessed is far  
28 greater than is necessary for personal consumption and the manner of packaging is consistent

1 with sale, specifically that there were small rocks in individual baggies and two larger rocks from  
2 which smaller rocks would be broken off and put into plastic twists for sale.

3 14. A search of ST. JAMES' vehicle revealed two pieces of a green leafy substance  
4 resembling marijuana inside a small container in a cup holder in the center console. A further  
5 search of the vehicle revealed sixteen twenty dollar bills (\$320) in the center console. In the  
6 glove box of the vehicle Officer Dixon located a grinder used to grind marijuana.

7 15. At the Menlo Park Police Station, Officer Dixon advised ST. JAMES of his  
8 *Miranda* rights pursuant to a department issued form. ST. JAMES agreed to waive those rights  
9 and speak with Officer Dixon. ST. JAMES admitted having consumed alcohol and told Officer  
10 Dixon that he believed he had purchased the marijuana a few days ago. When Officer Dixon  
11 asked ST. JAMES why he ran, ST. JAMES replied, "Isn't it obvious?" Officer Dixon asked if  
12 ST. JAMES wanted to get away and ST. JAMES replied, "You could say that." ST. JAMES  
13 declined to speak further about the narcotics in his possession.

14 16. I took possession of the cocaine base in the form of crack cocaine seized by the  
15 MPPD from ST. JAMES on the night of April 20, 2008, and submitted it to the Drug  
16 Enforcement Administration (DEA) Laboratory for analysis. According to DEA Forensic  
17 Chemist Matthew R. Rainsberg, the substance is 78.9 grams of a mixture and substance  
18 containing a detectable amount of cocaine base in the form of crack cocaine.

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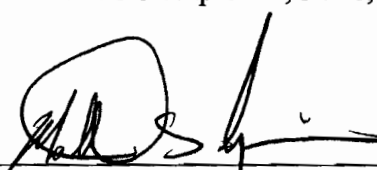
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1 **III. CONCLUSION**

2 17. For the reasons stated above, I submit that there is probable cause to believe that  
3 MAURICE JEROME ST. JAMES, JR. knowingly and intentionally possessed with intent to  
4 distribute a Schedule II controlled substance, namely, approximately 78.9 grams of a mixture and  
5 substance containing a detectable amount of crack cocaine on April 20, 2008, in violation of 21  
6 U.S.C. §§ 841(a)(1), (b)(1)(A)(iii).

7  
8   
9 Matthew S. Beaupain  
Special Agent, Federal Bureau of Investigation

10  
11 Sworn to before me this

12 2nd day of May, 2008

13   
14 \_\_\_\_\_  
15 HONORABLE EDWARD M. CHEN  
UNITED STATES MAGISTRATE JUDGE